

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sutter)

THE PEOPLE,

Plaintiff and Respondent,

v.

CURTIS MILES UPTHEGROVE,

Defendant and Appellant.

C060747

(Super. Ct. No. CRF073163)

**ORDER MODIFYING OPINION
[Change in Judgment]**

BY THE COURT:

It is hereby ordered that the opinion filed herein on March 25, 2010, be modified as follows:

On page 11, in the sentence that reads, "The judgment is further modified to award defendant with 42 days of conduct credit, for a total of 85 days of custody credit" change the number "42" to the number "28" and change the number "85" to the number "57."

In the text of footnote 4 on page 11, in the sentence that currently reads, "Consequently, defendant having served 29 days

of presentence custody, is entitled to 42 days of conduct credit" please change the number "42" to the number "28."

This modification constitutes a change in the judgment.
(Cal. Rules of Court, rule 8.264(c)(2).)

BY THE COURT:

SCOTLAND, P. J.

SIMS, J.

CANTIL-SAKAUYE, J.